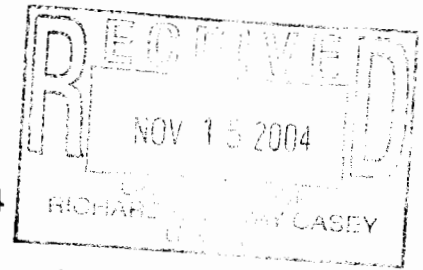


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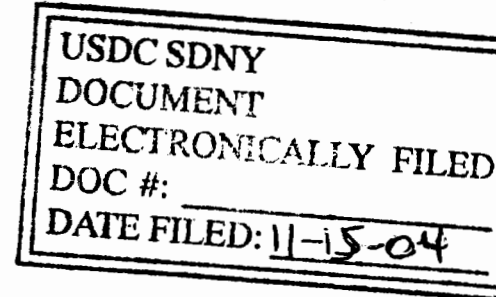
November 12, 2004



VIA OVERNIGHT MAIL DELIVERY

The Honorable Richard Conway Casey
United States District Court Judge
United States Courthouse
500 Pearl Street
Courtroom 14C
New York, NY 10007

MEMO ENDORSED



Re: Merit Capital Group, LLC v. Trio Industries Management, LLC, et al.
Case No. 04 CIV 7690 (RCC)

Dear Judge Casey:

My firm represents plaintiff Merit Capital Group, LLC. I am writing to respectfully request that plaintiff's time to serve and file reply papers in further support of its motion for a preliminary injunction – currently scheduled to be served and filed by November 17, 2004 – be briefly extended for two weeks until December 1, 2004 (shortly following the Thanksgiving holiday).

Defendant's counsel, Steven G. Mintz, Esq., has consented to this application.

The primary basis for this request is that following service of plaintiff's motion, defendants amended their answer and asserted counterclaims against plaintiff, and defendants filed a third-party action against plaintiff's principals (after plaintiff consented to an extension for defendants to do so), all of which has dramatically increased the scope of the pending motion. For this reason, plaintiff's counsel requests additional, necessary time in order to address the numerous new issues now presented, and to prepare a meaningful and comprehensive response to defendants' motion papers.

Defendants will not at all be prejudiced by the requested extension since there is no temporary restraining order in effect.

Plaintiff has not requested any other extensions in this case.

Pursuant to Your Honor's individual rules, I have enclosed a proposed order setting forth the schedule to which the parties have consented.

GERSTEN, SAVAGE, KAPLOWITZ, WOLF & MARCUS, LLP

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Your Honor's attention and consideration of this matter is greatly appreciated.

Respectfully submitted,




Marc R. Rosen
(MR-9844)

MRR/nw (w/encl.)

cc: Steven G. Mintz, Esq. (via overnight mail)

Application granted.
Plaintiff's reply due
December 1, 2004.
So ordered.



NOV. 15, 2004